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SUMMARY RECORD OF THE 46th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

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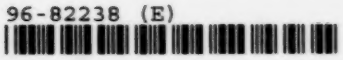

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (A/51/3 (Parts I and II), A/51/81, 87, 90, 114, A/51/208-S/1996/543, A/51/210 and A/51/462-S/1996/831; A/C.3/51/9)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/51/L.32 and L.35/Rev.1);

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mrs. ARYSTANBEKOVA (Kazakstan) said that her country attached particular importance to maintaining civil peace and harmony and protecting human rights during its transition period of economic and political reform. In its five years as an independent State, Kazakstan had sought in particular to strengthen its State sovereignty and select the most acceptable political system. The adoption of a new constitution, the establishment of a parliament and the start of judicial and legal reforms had made it possible to deal more effectively with the problems of ensuring human rights and freedoms as a basic prerequisite for harmonizing social and inter-ethnic relations. Her country's new Constitution recognized human rights and freedoms as the highest values without distinction as to race, sex, language, religion and political or other beliefs. Kazakstan's Commission on Human Rights provided assistance in carrying out constitutional obligations with respect to the rights and freedoms of citizens, defined State policy in that field and cooperated with recognized international human rights agencies and non-governmental organizations.

2. Her Government was developing a draft State programme to serve as a goal-oriented plan of activities aimed at protecting human rights. The Commission was currently giving great attention to the need to educate people about their rights and ways to protect them. In that connection, Kazakstan had established a working group to formulate a national plan of action for achieving the goals of the United Nations Decade for Human Rights Education.

3. Her country's Commission on Human Rights was also drawing up a plan for establishing a scientific and educational human rights centre. It was hoped that the United Nations Centre for Human Rights, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other United Nations agencies, would assist that and other efforts in the field of human rights education. Kazakstan was developing its domestic policy in accordance with the Vienna Declaration and Programme of Action, which provided a broad legal and political basis for protecting human rights.

4. Mr. BORDA (Colombia) said it was a matter of increasing concern that the submission of reports by the special rapporteurs directly to the General Assembly might further politicize the question of human rights and weaken the work of the Commission on Human Rights. His delegation was also concerned that some States were assuming the right to evaluate human rights situations in other countries in order to conceal human rights violations in their own territory. Colombia would continue to oppose any attempt to supplant the multilateral mechanisms for evaluating the conduct of States in the field of human rights.

5. His delegation stressed the importance of the right to development and the need for action to remove the obstacles to implementing that right, including efforts at the national level. Colombia commended the work of the High Commissioner for Human Rights, as described in his report (A/51/36), and his efforts to promote the right to development. It looked forward to the results of his conversations with international financial institutions and development agencies in order to identify practical ways to strengthen economic and human rights programmes in the various spheres of competence. All such coordination that enhanced the implementation of the right to development would be welcomed. His country also expressed its enthusiastic support for the efforts by the High Commissioner to restructure the Centre for Human Rights, which would improve the Centre's ability to promote and protect all human rights, and noted with satisfaction that the High Commissioner was carrying out his mandate properly in that way. Colombia was continuing to cooperate fully with the various United Nations human rights mechanisms and had welcomed their recommendations. As part of its overall policy for defending human rights and humanitarian law, it had adopted a law on compensation to the victims of human rights violations and had signed an agreement with the High Commissioner for Human Rights on the establishment of an office of the High Commissioner in Colombia. In spite of the social difficulties facing it, his country would continue to cooperate fully with the human rights mechanisms.

6. Mr. MATEŠIĆ (Croatia) said that, from its foundation, the modern Republic of Croatia had been concerned not only with the task of nation-building and the transition to a market economy, but also with the creation of a democratic society based on respect for human rights. That process had taken place against the background of a brutal conflict. However, it was to be hoped that the return of Eastern Slavonia to Croatia, together with the normalization of relations with neighbouring countries, the conclusion of peace in Bosnia and Herzegovina and the creation of a balance of power in the region, would mark the end of that tragic period in his country's history.

7. Following the involvement of the international community in the region, his Government's record on human rights had come under close scrutiny. While such concern was legitimate, the situation of human rights in Croatia did not

constitute a threat to international peace and security and did not, therefore, require consideration by the Security Council. Undoubtedly there were other States in which the human rights situation was far worse, yet Croatia was the only country to be subjected to such scrutiny. He urged the international community to consider Croatia's record in the light of the difficult circumstances in which the country had found itself.

8. With the end of the conflict in the region, his Government could focus on the strengthening of Croatia's democratic institutions and market economy. As the Croatian people's needs for physical and economic security were met, attention would be turned to the promotion of their human rights. That process would be facilitated by Croatia's integration into European and transatlantic economic, political and security organizations. Croatia's recent admission into the Council of Europe was the first step in that direction. On that occasion, his Government had signed a number of European instruments on the promotion of human rights, the protection of minorities and the prevention of torture and had recognized the competence of European institutions in the field of human rights.

9. Minorities composed some 15 per cent of the population of Croatia and their rights were guaranteed by law. During the recent conflict, some members of the Serbian minority had taken part in aggression against the Croatian State. Many ethnic Serbs, however, had remained loyal citizens and they had suffered the consequences of the war alongside their Croatian compatriots. Currently, only a few thousand elderly Serbs remained in Croatia. Exceptional measures had been taken to guarantee their safety. His Government was prepared to allow the return of all ethnic Serbs not implicated in war crimes, providing the appropriate administrative formalities had been completed. Given the destruction during the conflict of a large part of Croatia's official records, the process would take some time. Those Serbs who chose to return were reminded that citizenship entailed obligations, as well as privileges. With the return of the last refugees and displaced persons, Croatia hoped to embark upon a new era characterized by economic advancement, European integration and the full enjoyment by all citizens of their human rights.

10. Mr. PHAM QUANG VINH (Viet Nam) said that his delegation appreciated the emphasis given by the High Commissioner for Human Rights to the importance of dialogue and cooperation and the principles of impartiality, non-selectivity and respect for State sovereignty. He commended the Commissioner's efforts to restructure the Centre for Human Rights and emphasized the need for extensive consideration of that question by Member States and guidance by the General Assembly before action was taken. The right to development was a fundamental human right and must be fully respected and implemented on a firm financial basis. Resources should not be allocated to other sections of the Centre at the expense of activities to promote the right to development.

11. Viet Nam attached great importance to promoting and protecting the rights and welfare of its people. Its comprehensive development programme focused on efforts to enhance the well-being and living conditions of the population. In overcoming the country's economic difficulties, that process had also brought about improvements in the political, cultural and social fields. Those efforts had been reflected in Viet Nam's second report on the implementation of the International Covenant on Civil and Political Rights, submitted in 1996. Lastly, he stressed that the promotion and protection of human rights must be

guided by the principles of impartiality, a constructive international dialogue and cooperation on an equal footing.

12. Mr. ALRASSI (Saudi Arabia) said that, despite the many declarations and covenants adopted, the international community had been unable to reach a common understanding of the nature of human rights. There had been a trend towards narrow and restrictive definitions which failed to take into account the cultural and religious diversity of the family of nations. Yet, if respect for human rights was to be truly universal, their interpretation must reflect the culture and values of every country.

13. The primary responsibility for the promotion of human rights should lie with Governments, since they were best able to determine how those rights should be applied in their societies. Saudi Arabia's approach to human rights was guided by the Islamic Sharia, which set out comprehensively man's duties and obligations in relations with his fellow man. As stated in the Cairo Declaration on Human Rights in Islam, adopted by the Nineteenth Islamic Conference of Foreign Ministers in 1990, all people were equal in dignity irrespective of race, gender, religious conviction, political affiliation or other distinction. Islamic values and human rights went hand in hand, as evidenced by the central importance of the dignity of the human person in the Islamic faith.

14. If human rights were to be promoted more effectively at the international level, the voice of developing countries must be heard. The use of alleged human rights violations as a pretext for interfering in the internal affairs of States must cease, and progress in the human rights field must be accompanied by tangible advances in economic and social development.

15. His delegation welcomed the restructuring of the Centre for Human Rights, though restructuring was not an end in itself, but a means of increasing the responsiveness of the Centre and enhancing the quality of its support services and technical assistance. If the Centre's staff were to be reorganized, the principle of equitable geographical representation must be taken into account.

16. Saudi Arabia would continue to work with the United Nations in the field of human rights, which, in his delegation's view were not merely hopes and aspirations, but also legitimate demands of all people on all continents. He hoped that the commemoration in 1998 of the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights would give new impetus to the international community's efforts in the human rights field.

17. Mr. DONOKUSUMO (Indonesia) said that, while primary responsibility for the promotion and protection of human rights lay with Governments, that task was facilitated in many States by the technical cooperation programmes of the Centre for Human Rights. The provision of technical assistance and advisory services should constitute the main function of the Centre. The importance of international cooperation in human rights was recognized in the Vienna Declaration and Programme of Action. Yet, the international community had for too long been unable to find a common approach. The recognition of the right to development as a fundamental human right was an important step towards that goal. He welcomed the importance accorded by the High Commissioner for Human Rights to the realization of the right to development and called for a more

concerted international effort to that end. The High Commissioner's efforts to forge closer links between the United Nations human rights programme and the regional commissions would enable the very different cultures and experiences of Member States to be more fully reflected in human rights activities.

18. His Government was committed to the promotion and protection of human rights and had recently established a national human rights commission. It attached particular importance to the rights of women and other vulnerable groups. On the international stage, Indonesia had championed the rights of the child; and the Government was working tirelessly to eliminate the use of child labour. While much remained to be done, the Government's efforts in the field of human rights were ill-served by politically motivated criticism. It was paradoxical that those States which were the most vocal critics of the developing countries' record on human rights were silent upon the subject of economic, social and cultural rights. Yet, the Vienna Declaration and Programme of Action stated clearly that the existence of widespread poverty was a serious obstacle to the full enjoyment of human rights.

19. Ms. ARGUETA (El Salvador) said that the forthcoming fiftieth anniversary of the Universal Declaration of Human Rights should serve as an opportunity for strengthening the United Nations human rights programme, and noted with satisfaction that specific steps had been taken to enhance coordination to achieve the goals in that field.

20. Her country's experience had clearly demonstrated the interdependence of human rights, peace and development. El Salvador had achieved important progress in human rights through the establishment of new mechanisms to protect the human rights and fundamental freedoms of all citizens. Those mechanisms had already produced results, but there were still many challenges to be met. Her delegation appreciated the concern expressed by the Special Rapporteur for extrajudicial, summary or arbitrary executions with regard to the situation in El Salvador. Nevertheless, the period of time covered in his report (A/51/457) was very long and many of the matters referred to had already been resolved, as reflected in reports of the Secretary-General on the situation in Central America and on the progress made in the political, economic and social fields, particularly by the efforts to improve the judicial system, public security mechanisms and human rights institutions. After the signing of the Peace Agreement in 1992, a general amnesty law had been enacted with the agreement of all parties involved in order to foster genuine reconciliation among the Salvadoran people.

21. Under its constitutional reforms, her country had established the Office of the National Counsel for the Defence of Human Rights and a new National Civil Police, and the Office was empowered to investigate any violation committed by a member of the National Civil Police. Consultation and coordination mechanisms had ben set up between the Ministry of Public Security and the Office of the National Council and reports were regularly submitted to the Office.

22. El Salvador was convinced of the need to seek comprehensive approaches to promote human rights through preventive action and post-conflict activities. Her Government recognized the great value of the work carried out by the United Nations system in El Salvador and firmly supported the initiatives undertaken to promote democracy and economic and social progress. With the firm commitment of

the Government and the Salvadoran people and the generous assistance of the international community, her country had overcome a grave crisis. El Salvador was undergoing a process of major change and was consolidating democratic institutions and seeking to promote sustainable human development. Extensive programmes had been undertaken in the field of education, health and housing in order to ensure the enjoyment of human rights and respect for human dignity.

23. Her delegation welcomed the establishment of an intergovernmental group of experts that would elaborate a strategy for the implementation of the right to development, and stressed the need for the international community to provide the necessary means to overcome the gap separating the developed and the developing countries.

24. Mr. KAMAL (Pakistan) said that if the international community was to achieve universal respect for human rights, there must be rapprochement between the developed and the developing countries, between the advocates of civil and political rights, on the one hand, and the proponents of economic, social and cultural rights, on the other. There could be no consensus on human rights questions in a world where some States sought to impose their values as absolute standards, while others invoked the concept of cultural relativism when their record on human rights was challenged. There was a need to evolve instead a shared concept of human rights, while human rights instruments must be implemented in an impartial and non-selective manner. The problem of underdevelopment must be seriously addressed.

25. It was fruitless to blame particular regimes or poor planning for the problem of underdevelopment. Indeed, it was clear that developing countries could not achieve economic progress without a more equitable distribution of the world's resources. As stated in the Declaration on the Right to Development, States had the duty to cooperate with each other in eliminating obstacles to development; those included protectionist trade regimes, discriminatory financial arrangements and structural inequalities in international relations. Many developing countries feared that, with the end of the cold war, European integration would be of more pressing concern to the West than the fact of the world's poorer nations. Yet the exacerbation of existing inequalities would surely lead to greater global tension and insecurity.

26. The United Nations must have a clear plan of action for the realization of the right to development. All Member States must pay their contributions on time and in full in order to ease the Organization's financial crisis and enable it to play a more effective role in the protection of human rights. The inability of the Organization to react speedily to gross human rights violations had cost thousands of lives. The early-warning system for signalling impending human rights crises must therefore be strengthened. Democracy, development and human rights were the three pillars of the new international order. They must be viewed as interdependent, for a selective approach to their promotion would fail to address the inequities that led to human rights violations.

27. Mr. OTUYELU (Nigeria) said that respect for human rights and the observance of treaty obligations were the responsibilities of Governments. Moreover, development was a vital tool in safeguarding human rights. Through economic empowerment, supported by international cooperation, people would be better able to defend themselves against abuses. Attempts to make human rights issues a

condition for development aid were a negation of the principle of the universality and indivisibility of all human rights. The right to development should not take second place; poverty, lack of development, disease and ignorance were among the factors impeding the full enjoyment of human rights in many developing countries.

28. The restructuring of the Centre for Human Rights was an issue of great concern to his delegation. A balance should be maintained among the various rights, and it was important to ensure that sufficient resources would be provided to the unit on the right to development. The restructuring should have been undertaken in a spirit of partnership in an intergovernmental forum. He also hoped that the necessary balance in terms of priority areas, cultural diversity and geographical representation would be maintained in the current efforts to strengthen the Centre.

29. Nigeria placed great emphasis on the human rights of its citizens, all of whom were treated equally, irrespective of gender, age, ethnicity or religious belief. The Government had established an independent Human Rights Commission under a retired Supreme Court judge. Nigeria had taken a number of actions to remove obstacles to the enjoyment of human rights, as observed during a recent United Nations fact-finding mission. The Government had also welcomed the recommendations of the Human Rights Committee (A/51/538, chap. IV) in response to the submission by Nigeria of its periodic report. The Government's total commitment to democratization had been clearly demonstrated to the fact-finding mission. Measures taken included the establishment of institutions to implement the political programme and ensure a successful transition to civil and democratic rule. Local government elections on a non-party basis had been successfully conducted in December 1995.

30. The Civil Disturbances Act, under which Mr. Ken Saro-Wiwa and eight others had been convicted, had been amended so that the verdict and sentence of a special tribunal would be subject to judicial review at the appellate level (ibid., para. 31). Decree No. 2 of 1984 had also been amended to allow for periodic review of the cases of persons in detention, and 23 detainees had been released. Decree No. 14 of 1994, which had set aside the right of courts to issue writs of habeas corpus to persons detained under Decree No. 2 of 1984, had been repealed (ibid.), and the military member of the Special Tribunal had been removed.

31. His Government reaffirmed its commitment to abide by the obligations freely undertaken under various international human rights instruments. Nigeria needed the support and understanding of other members of the Committee, rather than a negative resolution which would do nothing to advance the promotion of democracy or the protection of human rights.

Draft resolution A/C.3/51/L.32: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

32. The CHAIRMAN announced that the draft resolution contained no programme-budget implications and that Kyrgyzstan, Nigeria, Peru and Yemen had become sponsors.

33. Draft resolution A/C.3/51/L.32 was adopted.

Draft resolution A/C.3/51/L.35/Rev.1: Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

34. The CHAIRMAN announced that the draft resolution contained no programme-budget implications, and that the following countries had become sponsors: Austria, Canada, Cape Verde, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Eritrea, Ethiopia, Fiji, France, Guatemala, Japan, Kyrgyzstan, the Marshall Islands, Mauritius, Mongolia, Nepal, Nigeria, Peru, the Philippines, Rwanda, Ukraine, the United Kingdom, the United States and Venezuela.

35. Mr. AG OUMAR (Mali) sought clarification as to where responsibility for coordination efforts lay, as paragraphs 1 and 5 of the draft resolution referred to the High Commissioner and no mention was made of the Centre for Human Rights.

36. Mr. DEMBINSKI (Poland) said that the High Commissioner had a mandate to coordinate activities for the anniversary.

37. Draft resolution A/C.3/51/L.35/Rev.1 was adopted.

AGENDA ITEM 103: ADVANCEMENT OF WOMEN (continued)

Draft resolution A/C.3/51/L.21: Convention on the Elimination of All Forms of Discrimination against Women

38. Mr. ROSNES (Norway), speaking on behalf of the sponsors, said that the following States had joined the sponsors: Argentina, the Bahamas, Belgium, Bhutan, Bolivia, Bulgaria, Cuba, the Dominican Republic, Eritrea, Fiji, Germany, Guinea, Guinea-Bissau, Hungary, Liechtenstein, Madagascar, Panama, Peru, the Philippines, Poland, the Republic of Moldova, Sierra Leone, Spain, Thailand, The former Yugoslav Republic of Macedonia, the United Kingdom and Zaire.

39. He read out several minor revisions to the text. He also pointed out that, in paragraph 6, the words "within the overall existing budget" had been deleted and that, in paragraph 8, the words "within existing United Nations resources" had also been deleted.

40. Ms. NEWELL (Secretary of the Committee) recalled that paragraph 6 of the draft resolution would enable the Committee on the Elimination of Discrimination against Women to hold two sessions annually, each of three weeks' duration, preceded by the meeting of a pre-session working group, and that paragraph 8 would authorize the Open-ended Working Group of the Commission on the Status of Women on the Elaboration of a Draft Optional Protocol to the Convention to meet for 10 working days in parallel with the Commission at its forty-first session.

41. Taking into account the current availability of conference services, the 1997 additional session of the Committee and the meeting of the pre-session working group could be accommodated within existing resources, and no additional appropriation for the 1996-1997 programme budget would therefore be required. It was also understood that servicing capacity which would be released from other periods in the year could be used to service the Open-ended Working Group with no additional cost.

42. The CHAIRMAN said that Burundi, Cape Verde, the Central African Republic, Côte d'Ivoire, Guyana, Kenya, Malta, Namibia, Solomon Islands, Rwanda, the United Republic of Tanzania, Uganda, Zambia and Zimbabwe had joined the sponsors of the draft resolution.

43. Mr. KUEHL (United States of America) said that his delegation was uanble to join in the consensus on the draft resolution.

44. Draft resolution A/C.3/51/L.21, as orally revised, was adopted.

45. Mr. KUEHL (United States of America) reiterated his Government's support for the elaboration of a draft Optional Protocol to the Convention. It was regrettable that the Secretariat had been unable to state unequivocally that the convening of the Working Group on the Optional Protocol would be accommodated within the existing budget.

46. His delegation would continue to request that the Secretariat should provide clear indications on the programme-budget implications of draft resolutions. His delegation could not support actions which could have the effect of increasing the United Nations regular budget beyond the amount adopted by the General Assembly for the current biennium.

AGENDA ITEM 106: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued)

Draft resolution A/C.3/51/L.37: The rights of the child

47. Mrs. CASTRO de BARISH (Costa Rica), speaking on behalf of the Group of 77 and China, introduced an amendment to draft resolution A/C.3/51/L.37 which was contained in document A/C.3/51/L.38. The amendment would delete the words "within existing resources" from paragraph 35. She also proposed deletion of those words from paragraph 50.

Draft resolution A/C.3/51/L.31: The girl child

48. The CHAIRMAN said that the draft resolution contained no programme-budget implications, and that, when it had been introduced, the representative of Namibia had orally revised the text on behalf of the sponsors.

49. Ms. NEWELL (Secretary of the Committee) repeated the revisions that had been made to the text.

50. Ms. DEWGT (Namibia) announced that Belarus, Bulgaria, Colombia, Guinea-Bissau, Jamaica, Kyrgyzstan, Monaco, Paraguay, Rwanda, Samoa, San Marino and Ukraine had become sponsors of the draft resolution.

51. Draft resolution A/C.3/51/L.31 was adopted.

52. Mr. KUEHL (United States of America) said that his delegation interpreted paragraph 12 of that draft resolution as meaning that both men and women had equal access to economic resources.

53. Mr. PACE (Malta) said that, in joining the consensus on the draft resolution, his delegation wished to state that Malta reaffirmed the

responsibilities, rights and duties of parents and legal guardians to provide, in a manner consistent with the evolving capacities of the child, appropriate guidance in the exercise by the child of the rights recognized in the Convention on the Rights of the Child.

54. His delegation also wished to state that it reserved its position on the use of the term "reproductive health" as used in paragraph 3 (f). The interpretation given by Malta to that paragraph was consistent with its national legislation, which considered the termination of pregnancy through induced abortion as illegal. In that respect, Malta reaffirmed its reservations to the concluding documents adopted at the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference n Women and the United Nations Conference on Human Settlements, as contained in the respective reports of those conferences, and more recently at the World Food Summit.

55. Ms. MUVUZANKIMA (Burundi), speaking in exercise of the right of reply, said that her delegation wished to thank those who had provided her country with assistance during a difficult period, and in particular the Permanent Observer of the Holy See for the statement he had made expressing support for her Government. She said that the difficulties currently being experienced by her country were largely due to the unjust blockade imposed on it by neighbouring countries, in violation of the principles governing international relations, good neighbourliness and non-interference in the internal affairs of States.

56. The crisis in Burundi was extremely complex, and it was not appropriate to subject it to superficial analysis. The representative of Norway, a country with which Burundi had excellent cooperative relations, had, at a previous meeting, said that the coup d'état that had taken place in Burundi in 1995 had not improved the security or human rights situation but, on the contrary, had exacerbated the suffering of the people. Her delegation wished to express its astonishment with regard to that statement. The President of Burundi, when returning to office, had stated that his return was not driven by political ambition but represented an operation to salvage a country at risk. The new authorities had taken power in order to end the genocide, massacres and massive human rights abuses, and had taken measures to stabilize the situation and restore peace and confidence throughout the nation. The number of human rights observers in Burundi had increased; an international tribunal had been established in order to end the cycle of immunity, and preparations would be made for a national debate with a view to restoring peace. Burundi counted upon its partners, including Norway, to assist it in implementing a programme which would bring about a return to lasting peace and security. Her Government attached particular importance to the activities of the Centre for Human Rights in Burundi.

The meeting rose at 5.20 p.m.